



PLANNING COMMISSION AGENDA REPORT

TO: Chairman and Commissioners
City of La Habra Planning Commission

FROM: Roy N. Ramsland Jr., Planning Manager
By: Chris Schaefer, Senior Planner

VIA: Andrew Ho, Director of Community & Economic Development

DATE: May 22, 2017

CASE: Consideration of Conditional Use Permit 17-03 for the installation of a remediation system at 1199 South Beach Boulevard.

SUMMARY RECOMMENDATION

It is recommended that the Planning Commission approve Conditional Use Permit 17-03 for the installation of a remediation system at 1199 South Beach Boulevard, subject to the findings and conditions in the attached resolution.

PROJECT PROPOSAL

Description

The Applicant, Kahuna Properties, LLC is requesting to install a temporary remediation system at a vacant property. Remediation is the act or process of remedying something that is undesirable or deficient. The soil and ground water remediation proposed involves the removal of contaminants from the soil, in this case hydrocarbons, which is a compound of hydrogen and carbon, the chief component of petroleum and natural gas.

The subject property is located at the northwestern corner of Beach Boulevard and Imperial Highway (see Vicinity Map, attachment 1). The General Plan land use designation for this site is Community Shopping Center 2. The property is zoned C-2sH (Community Shopping Center High Density) which is consistent with the General Plan. A concrete box channel for Coyote Creek runs underneath the property running from the northeastern corner to the southwestern corner.

The property is irregularly shaped with street frontages along Beach Boulevard and Imperial Highway and is 0.47 acres in size. A gasoline service station operated from 1964 to 2006 on the property. In 2004, a ground water remediation system was installed to remove petroleum products from soil and ground water that leaked from underground tanks (see Related Cases, below). This system is still located on the property and in operation.

Discussion

The Applicant is proposing to remove the existing remediation system and install a new system to the west of the current location to allow for development of the site. The existing remediation system was installed in 2005. A 10-foot by 16.5-foot equipment masonry enclosure would house the new equipment and is proposed on the westerly side of the property. This area is part of the shared parking lot for the shopping center anchored by Vons Market.

The equipment enclosure will not have a roof and will remain open to the sky. Access to the equipment area will be along the east side where a solid metal gate will be installed. A narrow planter will be provided on the north and south sides of the enclosure to allow the planting of shrubs and vines to soften the appearance of the enclosure (see Site and Elevation Plans, attachment 3).

The remediation equipment, more specifically called a vapor extraction system, will include an air compressor, an oxidizer package unit, a knock-out drum, an extraction well manifold which connects the various underground pipes to the enclosure, and other related pieces of equipment (see Equipment Details, attachment 4). The exhaust vapors are discharged to the atmosphere via an 8.5-foot high stack. The stack will extend 2.5 feet above the height of the block wall enclosure. The remediation system will operate 24 hours a day, seven days a week.

Since 2005, remediation efforts at this location have been continuous because of the distribution of hydrocarbons within the soil and ground water beneath the subject site. To date, over 389,476 gallons of groundwater have been treated and 12,809 pounds of vapor-phase hydrocarbons have been removed from the site. Graphics of the distribution of the contamination have been provided to show the extent of the various plumes (see Executive Summary, attachment 6). While the operators of the remediation system cannot predict an exact end date for completion of remediation, they have provided an anticipated duration of 5 years.

Analysis

Section 18.06.040 of the La Habra Municipal Code (LHMC) requires the placement of remediation systems be reviewed and approved by the Planning Commission via a Conditional Use Permit. In order to grant the Conditional Use Permit, all of the following findings must be met in support of the project:

1. The granting of the Conditional Use Permit will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.
2. The subject site is physically suitable for the type of land use being proposed.

3. The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions.
4. The granting of the Conditional Use Permit is consisted with the General Plan.

Additionally, any property that is subject to discretionary review by the Planning Commission is required to be brought into compliance with all current development standards to the extent physically possible as determined by the Planning Commission pursuant to Section 18.08.070.B of the LHMC. The subject property, as currently improved, is non-conforming as it relates to the 15-foot front landscape setback, the 10-foot street side setback, and the seven percent on-site landscape requirement.

The property owner will be addressing the non-conforming features as part of a project that was approved by the Commission on April 24, 2017 (see Related Cases, below). This will include the installation of landscape planters along both street frontages and on-site landscaping within the parking area. However, the subject project will be conditioned that all required landscaping be installed prior to building permit final should the other project be delayed or not move forward (see Resolution, attachment 1).

The scope of work proposed is temporary in nature. While no definite timeline can be provided for the cessation of remediation activities due to the transitory nature of the contaminants, the sole purpose of the equipment is to remove those contaminants from the soil and ground water and to prevent its spread to other areas. Staff therefore does not recommend that a condition be set for the removal of the equipment as the clean-up must be accomplished to preserve the local environment.

The sound emanating from the machinery within the enclosure will be consistent with the City's noise standards (see Noise Impact Analysis, attachment 5). The City's noise standard is for sound to not exceed 50 dBA measured at the exterior of a residence during nighttime hours. Pursuant to a noise study that analyzed noise of the proposed project, the level of sound immediately outside the enclosure will be approximately 65 decibels (dBA). However, as you move away from the enclosure, the sound level decreases whereby the level of sound will be at approximately 40 dBA just outside of the property line walls for the closest residential properties to the west. A sound comparison chart is provided for reference (see Figure 1).

Source	SPL(dBA)
Faintest audible sound	0
Whisper	20
Quiet residence	30
Soft stereo in residence	40
Speech range	50-70
Cafeteria	80
Pneumatic jackhammer	90
Loud crowd noise	100
Accelerating motorcycle	100
Rock concert	120
Jet engine (75 feet away)	140

Figure 1. Sound Comparison Chart
(Source: Acoustical Society of America)

Regarding impacts to neighboring properties, the proposed equipment will be screened from public view and buffered by a masonry enclosure. To ensure that impacts are minimized, staff has added conditions that requires the Applicant to conduct a post installation test to verify that the noise level output does not exceed City standards. In the event that the equipment exceeds the City's noise standard, the Applicant will be responsible for implementing additional sound mitigation measures as approved by the Director of Community and Economic Development before operation of the system will be permitted (see Resolution, attachment 1).

Since all the appropriate findings for the requested Conditional Use Permit can be made and the project improves public health, it is recommended that the Planning Commission approve Conditional Use Permit 17-03 for the installation of a remediation system at 1199 South Beach Boulevard, subject to the findings and conditions in the attached resolution.

Code Compliance

	<u>City Requirements</u>	<u>Proposal</u>
Maximum Height	50 feet	8.5 feet
Front Setback (east)	15 feet	120 feet
Street Side Setback (south)	10 feet	70 feet
Side Setback (north)	0 feet	75 feet
Rear Setback	20 feet	25 feet
Parking	1 space	14 spaces
Landscaping		
Front	15 feet	15 feet
Street Side	10 feet	10 feet
Parking Lot	525 sf (7%)	1,380 sf (15%)

NPDES

The Applicant's proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal disturbs less than 1,000 square feet of area, this project is exempted by the Water Quality Ordinance from the preparation of a WQMP.

CEQA

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15330(b), Class 30: "Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances" of the California Environmental Quality Act Guidelines. The project consists of the operation of a temporary remediation system that will address concentrations of petroleum hydrocarbons in the soil and groundwater beneath the property.

GENERAL PLAN RELEVANCE

The project implements policies HW 1.4 Assessment of Known Areas of Contamination and HW 1.5 Remediation of Known Sites of the La Habra General Plan 2035.

RELATED CASES

- On November 15, 1963, a building permit was issued for the construction of a service station. On May 27, 1964, a Certificate of Occupancy was issued for the service station. On January 6, 2006, a demolition permit was issued for the site.
- On September 27, 2004, the Planning Commission approved Conditional Use Permit 04-21 for a ground water remediation system for a 5 year period.
- On October 25, 2010, the Planning Commission approved Modification 10-04 to Conditional Use Permit 04-21 to extend the use of the remediation system for an additional 5 years.
- On April 24, 2017, the Planning Commission approved Design Review 16-11 and Conditional Use Permit 16-11 for a restaurant and Zone Variance 17-01 for a reduced building setback.

REQUIRED FINDINGS

Findings of Fact are required to be made before a Conditional Use Permit (CUP) can be approved. The findings for the CUP have been made and are provided in the attached resolution (see Resolution, attachment 1).

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 17-03 FOR THE INSTALLATION OF A REMEDIATION SYSTEM AT 1199 SOUTH BEACH BOULEVARD, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

ATTACHMENTS

1. [Resolution](#)
2. [Vicinity Map](#)
3. [Site and Elevation Plans](#)
4. [Equipment Details](#)
5. [Noise Impact Analysis](#)
6. [Executive Summary](#)
7. [Application](#)
8. [Property Owner Notice and Mailing List](#)